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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,844	09/08/2003	John M. Morales	026595-007510US	5408
	7590 07/10/200 AND TOWNSEND AN	EXAMINER		
TWO EMBARO	CADERO CENTER	ABDI, KAMBIZ		
EIGHTH FLOO SAN FRANCIS	SCO, CA 94111-3834	ART UNIT	PAPER NUMBER	
			3692	
			MAIL DATE	DELIVERY MODE
			07/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/658,844	MORALES ET AL.	
Examiner	Art Unit	

non-allowable claim(s).  7. For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected:  Claim(s) rejected:  Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE  8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:		KAMBIZ ABDI	3692					
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application, applicant must intelly file one of the following replies: (1) an amendment, affidative, or other evidency the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.131: or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  a) ☑ The period for reply expires ② months from the mailing date of the final rejection.  b) ☐ The period for reply expires ⊙: (1) the mailing date of the final rejection.  Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS Of THE FIRM, RELECTION. See MPEP 708.07(f).  Extensions of time may be obtained under 37 CFR 1.138(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee number 37 CFR 1.17(a) is calculated from (1) the expiration date of the shortered statutory period for reply originally set in the final Office action, (c) as may reduce any example patient of the shortered statutory period for reply originally set in the final Office action, (c) as may reduce any example patient term adjustment. See 37 CFR 1.74(b).  NOTICE OF APPEAL 2.  □ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 (m), to avoid diamissal of the appeal. Since a Notice of Appeal was been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  MENDMENTS  □ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise the issue of new matter (see NOTE below);  (b) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simp	The MAILING DATE of this communication appe	ars on the cover sheet with the c	correspondence add	ress				
application, applicant must timely file one of the following replies: (1) an amendment, afficiavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.14. The reply must be filed within one of the following time periods:  a) The period for reply expires 3 months from the mailing date of the final rejection, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  Examiner Note: (If bot is checked, check either box (a) or (b), ONLY CHECK BOX (b) WHAT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRAL REJECTION. See MPEP 706 07(f).  Extensions of time may be obtained under 37 CFR 1.138(a). The date on which the petition under 37 CFR 1.138(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fice. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fice. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the file of the final office action, or (2) as set forth in (b) above, if checked. Any reply resolved by the Office later than three months after the mailing date of the final office action, or (2) as set forth in (b) above, if checked. Any reply resolved by the Office later than three months after the mailing date of the final office action, or (2) as set forth in (b) above, if checked, Any reply resolved by the Office later than three months after the mailing date of the final office action, or (2) as set forth in (b) advantage and the proposed amount of the date of filing the Notice of Appeal was filed on	THE REPLY FILED 29 February 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.							
a) The period for reply expires 2_months from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: It bus, it is checked, check citarbox (o) or (b). NLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See WIFEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension for have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any amend patent term adjustment. See 37 CFR 1.70(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the date of filing the Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal was filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS    The proposed amendment(s); filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a)   The prior size has been filed, any reply must be filed within the time period set forth	application, applicant must timely file one of the following application in condition for allowance; (2) a Notice of Appe for Continued Examination (RCE) in compliance with 37 C	replies: (1) an amendment, affidavi eal (with appeal fee) in compliance	t, or other evidence, w with 37 CFR 41.31; o	which places the r (3) a Request				
to period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of final rejection. Examiner Note: if box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See WFEP 766 07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. Pappropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as stoff in (h) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, or (2) as stoff in (h) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, or (2) as stoff in (h) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, or (2) as stoff the high paper and the paper and		of the final rejection.						
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Continuation of 13. Other: The applicant's arguments have been considered. The finality of the prior office action mailed on December 31, 2007, herby is withdrawn. A new office action will be forthcoming shortly hereafter.